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7 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

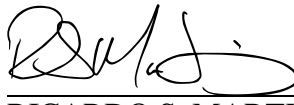
8 GREGORY TYREE BROWN,)
9)
Plaintiff,) Case No. C09-1546-RSM
10)
v.)
11) **ORDER**
ELDON VAIL, et al.,)
12)
Defendants.)
13)

14 The Court, having reviewed the papers filed in support of and in opposition to plaintiff's
15 motion to amend and the cross-motions for summary judgment, the Report and Recommendation
16 of United States Magistrate Judge Brian A. Tsuchida, Plaintiff's Objections thereto, the governing
17 law, and the balance of the record, does hereby find and ORDER:

- 18 (1) The Report and Recommendation is **ADOPTED**;
19 (2) Plaintiff's motion to amend (Dkt. 34) is **DENIED**;
20 (3) The parties cross-motions for summary judgment (Dkts. 33, 36) are **STRICKEN**;
21 (4) The parties are **DIRECTED** to file renewed cross-motions for summary judgment
22 that address the issues discussed in the Report and Recommendation within **thirty**
23 **(30) days** of the date of this Order; and

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2 (5) The Clerk of Court is directed to send copies of this Order to plaintiff and to
3 Magistrate Judge Brian A. Tsuchida.

4 DATED this 14 day of November 2011.

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8 RICARDO S. MARTINEZ
9 UNITED STATES DISTRICT JUDGE
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